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OFFICE OF PETITIONS

In re Application of :
Tanaka, et al. :
Application No. 10/527,514 :
Filed: March 10, 2005 :
Attorney Docket No. TIP-05-1037 :
ON PETITION

This is a decision on the petition, filed March 16, 2007 (certificate of mailing date March 12, 2007) entitled, "PETITION TO RESENT NOTICE OF ALLOWANCE," which will be treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to Notice of Allowance and Fee(s) Due, mailed November 14, 2006, which set a non-extendable period for reply of three (3) months. Having received no reply, the Office considered the application abandoned on February 15, 2007. A Notice of Abandonment was mailed on March 19, 2007.

Petitioners allege that the November 14, 2006 Notice was not received at the proper correspondence address of record and therefore, the application is not really abandoned. The undersigned finds this assertion completely convincing because the Office action in question was mailed to an incorrect address. There is no record of any request being made to change the correspondence address in the application from the address listed in the executed declaration – the address associated with customer number 35811. The November 14, 2006 Notice and the March 19, 2007 Notice of Abandonment were mailed to an address other than the correspondence address of record.

The petition under 37 CFR 1.181 is granted. The March 19, 2007 Notice of Abandonment is vacated and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

The correspondence address has been corrected to the address associated with customer no. 035811.

After the mailing of this decision, the application will be returned to Technology Center 1773 for the re-mailing of the November 14, 2006 Notice of Allowance and Fee(s) Due and the Notice of Allowability with a new period for response.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



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